



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,737	07/01/2003	David R. Robins	**BA-0342	2570
23377 7590 01/28/2009 WOODCOCK WASHBURN LLP CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891				
EXAMINER				
NGUYEN, ALLEN H				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
01/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/611,737

**Applicant(s)**

ROBINS, DAVID R.

**Examiner**

Allen H. Nguyen

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-31, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-31, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 1-2, 4-8, 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 07/30/2007.

2. Applicant's election with traverse of the restriction in the reply filed on 07/30/2007 is acknowledged. The traversal is on the ground(s) that there is no serious burden on the examiner for examining all species. This is not found persuasive because:

1) It requires different search query for different invention. For example, claims 1, 7 require the search query of "estimating amounts of time required performing image processing on the individual digital images" which is not required for claim 36. Claim 36 requires the search query of "print engine for printing the processed images using the print engine" which is not required for claims 1, 7.

2) The prior art used for rejecting the elected species can not be used to reject the non-elected species. The examiner requires further search to determine whether there are other prior art directed to the non-elected species.

The requirement is still deemed proper and is therefore made FINAL.

***Response to Arguments***

3. Applicant's arguments filed 11/18/2008 have been fully considered but they are not persuasive.

4. With respect to applicant's arguments that "claim 36 fails to expressly or inherently disclose the claim element "a print engine activation means for activating a print engine to print the first plurality of processed images," the anticipation rejection of claim 36 is improper".

In reply: Regarding claim 36, print engine activation means (Job Manager 360, fig. 12) for activating a print engine to print the first plurality of processed images (i.e., the job manager will activate Job 1 to a first virtual engine A, represented by a block 362, which has associated therewith four black and white print engines 364; Col. 14, lines 65-67, fig. 12).

Furthermore, the only place in applicant's specification that has the term activating is at page 8, line 2- activating a print engine to print the plurality of processed images. Fig. 1 of applicant's drawing clearly disclosed the only signal received by the engine is 138, the print data which is sent to the print engine by the print server. Therefore, in light of the specification and drawing, the only logical conclusion that the examiner can come up with the meaning of the activation means is the means that sent the print data to print engine which is equivalent to the job manager 360 of Barry. Such interpretation is consistent with applicant's disclosure.

***Drawings***

5. The drawings are objected to because of the following informalities:

In Fig. 1, "bus 132" should be added to the communication line.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 29-31, 36-37 are rejected under 35 U.S.C. 102 (b) as being anticipated by Barry et al. (US 5,859,711).

Regarding claim 36, Barry '711 discloses a system (Figs. 1-15) for printing a plurality of digital images (Job 352, fig. 12), the system comprising:

first image processing means (Virtual Job Router 354, fig. 12) for performing image processing on a first set of images (Job 1/ 356, fig. 12) including fewer than all of the digital images (Job 352, fig. 12) to produce a first plurality of processed images (i.e., Job 1 Pages: 1, 3, 5 B and W, fig. 12);

print engine activation means (Job Manager 360, fig. 12) for activating a print engine to print the first plurality of processed images (i.e., the job manager will activate Job 1 to a first virtual engine A, represented by a block 362, which has associated therewith four black and white print engines 364; Col. 14, lines 65-67, fig. 12);

first printing means (Print Engine PE 364 , fig. 12) for printing the first plurality of processed images using the print engine (i.e., the job manager will activate the print jobs to the print engines 364; Col. 14, lines 65-67).

Regarding claim 37, Barry '711 discloses the system (Figs. 1-15), further comprising:

second image processing means (Virtual Job Router 354, fig. 12) for performing image processing on a second set of images (Job 2 / 358, fig. 12) including fewer than

all of the digital images (Job 352, fig. 12) to produce a second plurality of processed images (Job 2 Pages: 2, 4, 6 Color, fig. 12);

second printing means (Engine B 366, fig. 12) for printing the second plurality of processed images without stopping and reactivating the print engine (i.e., virtual job routing is that a particular page can have the parameters thereof examined after the page has been assembled separate from the initial multi-page print job, and a determination made as to how to handle that particular job. This will allow the job to be routed to the most efficient engine. Therefore, the print engine can run continuously and efficiently; Col. 15, lines 20-25).

Regarding claims 29-30, claims 29-30 are the method claims of device claims 36-37, respectively. Therefore, method claims 29-30 are rejected for the reason given in device claims 36-37.

Regarding claim 31, Barry '711 discloses the method (Figs. 1-15), wherein said performing image processing on a first set of images (Job 1/ 356, fig. 12) including fewer than all of the digital images (Job 352, fig. 12) to produce a first plurality of processed images (i.e., the black and white job is routed to a first job block 356; Col. 14, lines 61-62, fig. 12) is performed by a print client (i.e., all decision making is made in the processor 14 / Work Station 10; Col. 5, line 40, fig. 1),

wherein said performing image processing on a first set of images including fewer than all of the digital images to produce a first plurality of processed images (i.e.,

the process is initiated at the software RIP in a block 350, which is operable to retrieve the initial multi-page document and the RIP the document into separate pages; Col. 14, lines 49-52), activating a print engine to print the first plurality of processed images (i.e., which pages are separate and distinct and have associated therewith parameters that define the nature of the document as to printing; Col. 14, lines 52-55);

printing the first plurality of processed images using the print engine (i.e., the job to be routed to the most efficient engine; Col. 15, line 24) are performed by a print server (Processor 14, fig. 1), and wherein the method further comprises:

at the print client (Processor 14 / Workstation 10, fig. 1), transmitting the first plurality of processed images to the server (Server 419, fig. 14) over a communications bus (i.e., the engine manager 28 interfaces with the PCI 32 through a parallel bus 36, such that data can be transferred thereto at a fairly high data rate, which is the bus transfer data rate of the processor 14; Col. 5, lines 14-17, fig. 2).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshida (US 7,224,476), when the job of an initial user and the job of the next user are printed continuously from manual paper supply port 80c in similar fashion

Someno et al. (US 7,050,194), the continuous printing process carries out the image processing and printing procedure independently for each page



Baum et al. (US 2002/0034392), Apparatus, architecture and method for high-speed printing

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen H. Nguyen whose telephone number is (571)270-1229. The examiner can normally be reached on 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KING Y. POON can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

/Allen H. Nguyen/  
Examiner, Art Unit 2625